

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DJAMSHED UMAROV,

Plaintiff,

v.

**COMMISISIONER DANIELLE OUTLAW,
et al.,**

Defendants

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CIVIL ACTION

No. 22-4163

STATUS REPORT

1. Is the case ready for trial? If not, why not?

This case is not ready for trial, as no discovery has been completed, and the parties await the Court's decision on case-dispositive motions.

By way of procedural history, Plaintiff filed his Complaint in late August 2022, after which, the DAO Defendants filed preliminary objections, arguing that Plaintiff's claims were all barred by absolute prosecutorial immunity and state-law high public official immunity. Moreover, it argued that certain claims were insufficiently pled, and time-barred due to the applicable statute of limitations. Counsel on behalf of Defendant, Commissioner Outlaw, removed the case to this Court and filed a Motion to Dismiss for failure to state a claim due to lack of any alleged involvement from the Commissioner. Following the removal of the case to this Court, the DAO Defendants filed a Motion to Dismiss under 12(b)(6). These motions have been fully briefed since December 2022.

2. What discovery has been completed and what remains to be done?

No discovery has been completed, because the parties await the resolution of their dispositive motions, a Rule 16 scheduling conference, and a scheduling order.

Should the case proceed to discovery, the parties do not expect discovery to be particularly onerous, given that this suit arises from a criminal case litigated in the Municipal Court (involving a small criminal file), and Plaintiff is represented by the same attorney who handled his criminal defense and appears from filings in this case to possess a majority of the records which are in the Defendants' possession. As part of discovery, Defendants would seek deposition testimony from Plaintiff, and anticipate that Plaintiff will be interested in deposing

a representative from the DAO's Municipal Court and/or Charging units, as well as of the assigned police detective.

3. Will the parties benefit from a settlement conference? If so, when will you be ready?

The parties do not oppose a settlement conference at the appropriate juncture. To date, Defendants have not received a settlement demand, nor have they received Plaintiff's computation of damages and supporting documentation, material that will presumably be passed with Plaintiff's initial disclosures. Those records will better inform any settlement discussions.

4. Do the parties consent to the jurisdiction of a magistrate judge?

Should this case proceed to trial, the DAO Defendants do not oppose having a magistrate preside over the case.